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HOME DEPARTMENT

NOTIFICATION

The 2nd March, 2023

No.8977—HOME-JAIL-RULE-0002/2022/JAILS — In pursuance of the Order No. 33 dated the 23rd December, 2021 passed by the Hon'ble High Court of Orissa in W.P. (C) No. 6610/2006 - filed by Krushna Prasad Sahoo –Vrs- State of Odisha & Others and as per direction of the Hon'ble National Human Rights Commission, New Delhi dated 9th February, 2022, the State Government do hereby make the following Rules for payment of compensation to the NOK (Next of Kin) on account of death of prisoners confined in the Jails of Odisha namely:—

1. Short title and commencement – (1) These rules may be called as “Payment of Compensation to the NOK (Next of Kin) on account of Death of Prisoners in the Jails of Odisha Rules, 2023”.

2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Applicability.— These rules shall be applicable in case of custodial death of prisoners confined in jail custody of Odisha on or after the date of notification of these rules if such death is attributable to lapses or negligence of the jail authority or any other public servant.

3. Compensation will not be admissible in cases of natural deaths including due to illness.

- 4.** Compensation will also not be admissible in the following cases of deaths, namely,-
- death occurs during or after escape from jails or from lawful custody outside the jail;
 - death occurs during bail or leave period and after release from jail; and
 - death occurs due to suicide.

5. Compensation will be paid to the NOK (Next of Kin) or legal heirs of prisoners on account of custodial deaths, in the following cases, namely,-

- (i) Due to quarrel among prisoners or attack by co- : Rs. 3.00 lakhs;
inmate or firing attributable to negligence of Jail
Authority;
- (ii) Due to torture and beating attributable to : Rs. 3.00 lakhs;
negligence of Jail Authority;
- (iii) Due to negligence of medical or para medical : Rs. 2.00 lakhs.
officer/staff of Jail.

The amount of compensation so paid under this Rule shall be met from “Odisha Jail Prisoners’ Welfare Fund” and thereafter utilize the budget provision with approval of the Government and shall be adjusted towards subsequent compensation, if any, recommended by the Hon’ble High Court or NHRC or OHRC and vice versa.

6. The Senior Superintendent or Superintendent of Jail concerned shall send all relevant reports including the Health Screening Report, Post-Mortem Report, Inquest Report, Medical Treatment History and Reports, Viscera Examination Report, Final Cause of Death Report, Judicial Magisterial Enquiry Report to the D.G. of Prisons & DCS, Odisha for onward submission to the State Government in Home Department for grant of appropriate compensation, as per the provision at Para-5 above.

By Order of the Governor
DEORANJAN KUMAR SINGH
Additional Chief Secretary to Government